APPENDIX A

Canadian Legation,
Warsaw,
June 10th, 1947

No. 2.
Excellency,

I have the honour to inform you that the Government of Canada has decided to accede to the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12th, 1928; and desires hereby to give Your Excellency notice of this accession, in accordance with the provisions of Article 38 of that Convention. In accordance with the terms of the Additional Protocol the Government of Canada declares at the same time that the first paragraph of Article 2 of the Convention shall not apply to international carriage by air performed directly by Canada.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(K. P. Kirkwood)
Charge d'Affaires a.i. of Canada

His Excellency
Mr. Zygmunt Modzelewski,
Minister for Foreign Affairs,
Warsaw.

APPENDIX B

I, PAUL MARTIN,
Secretary of State for External Affairs
in the Government of Canada
do hereby certify that the Government of Canada ratifies the Protocol done at The Hague on 28 September 1955, and signed on behalf of the Government of Canada on 16 August 1956, to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12 October 1929.

IN WITNESS WHEREOF I have signed and sealed this Instrument of Ratification.

Done at Ottawa this 20th day of March, 1964.

/s/ Paul Martin
Secretary of State
for External Affairs

APPENDIX C

No. 138

The Canadian Ambassador presents his compliments to the Secretary of State and has the honour to refer to recent discussions concerning the limitation of liability of airlines in international traffic for the death or injury to passengers.

There is set out below the text of a telegram sent by the Air Transport Board of Canada to the United States Civil Aeronautics Board which reflects the views of the Canadian Government in this matter.

"Board has received and reviewed number of requests for short notice filings setting out terms of IATA Agreement on increased limits of liability from international carriers, including Air Canada and Canadian Pacific Airlines, for effect not later than May 16, 1966. At request of Air Canada and Canadian Pacific Airlines and on assumption U.S.A. will be withdrawing denunciation Warsaw Convention, we hereby advise you that Board will accept these filings. Board hopes IATA Air Lines Agreement will be replaced by appropriate amendment to Warsaw Convention and Hague Protocol through diplomatic conference as soon as possible."

A. de W. MATHEWSON
[SEAL]

Washington, D.C.,
May 12, 1966.

APPENDIX D

AGREEMENT

The undersigned carriers (hereinafter referred to as "the carriers") hereby agree as follows:

1. Each of the carriers shall, effective May 16, 1966, include the following in its conditions of carriage, including tariffs embodying conditions of carriage filed by it with any government.

"The carrier shall avail itself of the limitation of liability provided in the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw October 12th, 1929, or provided in the said Convention as amended by the Protocol signed at The Hague September 28th, 1955. However, in accordance with Article 22(1) of said Convention, or said Convention as amended by said Protocol, the carrier agrees that, as to all international transportation by the carrier as defined in the said Convention which, or said Convention as amended by said Protocol, according to the contract of carriage, includes a point in the United States of America as a point of origin, point of destination, or agreed stopping place

(1) The limit of liability for each passenger for death, wounding, or other bodily injury shall be the sum of U.S. dollars 75,000 inclusive of legal fees and costs, except that, in case of a claim brought in a State where provision is made for separate award of legal fees and costs, the limit shall be the sum of U.S. dollars 58,000 exclusive of legal fees and costs.

(2) The carrier shall not, with respect to any claim arising out of the death, wounding, or other bodily injury of a passenger, avail itself of any defense under Article 20(1) of said Convention or said Convention as amended by said Protocol. Nothing herein shall be deemed to affect the rights and liabilities of the carrier with regard to any claim brought by, on behalf of, or in respect of any person who has willfully caused damage which resulted in death, wounding, or other bodily injury of a passenger."

2. Each carrier shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention or the Convention as amended by the Hague Protocol and by the special contract described in para one, the following notice, which shall be printed in type as least as large as 10 point modern type and in ink contrasting with the stock in (I) each ticket, (II) the piece of paper either placed in the ticket envelope with the ticket or attached to the ticket, or (III) on the ticket envelope:

ADVICE TO INTERNATIONAL PASSENGERS
ON LIMITATION OF LIABILITY

"Passengers on a journey involving an ultimate destination or a stop in a country other than the country of origin are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to the entire journey, including any portion entirely within the country of origin or destination. For such passengers on a journey to, from, or with an agreed stopping place in the United

States of America, the Convention and special contracts of carriage embodied in applicable tariffs provide that the liability of (name of carrier) and certain other carriers parties to such special contracts, for death of or personal injury to passengers is limited in most cases to proven damages not to exceed US dollars 75,000 per passenger, and that this liability up to such limit shall not depend on negligence on the part of the carrier. For such passengers travelling by a carrier not a party to such special contracts or on a journey not to, from, or having an agreed stopping place in the United States of America, liability of the carrier for death or personal injury to passengers is limited in most cases to approximately US dollars 8,290 or US dollars 16,580.

The names of carriers parties to such special contracts are available at all ticket offices of such carriers and may be examined on request.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carriers liability under the Warsaw Convention or such special contracts of carriage, for further information please consult your airline or insurance company representative."

2A) The expression "(name of carrier) and certain other carriers" may be replaced by the expression "certain carriers" in above notice.

3. This agreement shall be filed with the Civil Aeronautics Board of the United States for approval pursuant to Section 412 of the Federal Aviation Act of 1958, as

amended, and filed with other governments as required. The Agreement shall become effective upon approval by said Board pursuant to said Section 412.

4. This agreement may be signed in any number of counterparts all of which shall constitute one agreement. Any carrier engaged in carriage to which the Warsaw Convention or the Warsaw Convention as amended by the Hague Protocol applies may become a party to this agreement by signing a counterpart hereof and depositing it with said Civil Aeronautics Board.

5. Any carrier party hereto may withdraw from this agreement by giving twelve (12) months' written notice of withdrawal to said Civil Aeronautics Board and the other carriers parties to the agreement.